

REMARKS

Claims 1 - 46, 49 and 50 were previously cancelled. Claims 70 - 75 have been added. Claim 47 has been amended. No new matter has been added. Thus, claims 47, 48 and 51 - 75 are now pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the pending claims are allowable.

Claim 47 stands rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. *1/29/09 Office Action*, p. 1. Specifically, the Examiner states that the term “propagation time signal” is not disclosed in the specification or the claim. It is respectfully submitted that this rejection is moot as the term has been removed from claim 47.

Claims 47, 48, 51, 53-56, 58 and 60-69 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Published Appln. No. 2001/0028305 to Bennett Jr. et al. (“Bennett”) in view of U.S. Published Appln. No. 2004/0074295 to Michalski et al. (“Michalski”). *1/29/09 Office Action*, p. 2.

The Examiner maintains the rejection for these claims using the above cited references. Specifically, the Examiner states that it is obvious to replace a passive fill level sensing system with active fill level sensing system so that the active fill level sensing system is capable of processing a propagation time signal. The Examiner further maintains that Bennett in view of Michalski discloses “*that the measured signal is digitized and subsequently transmitted without signal processing after the A/D conversion, via the transceiver device, to the environmental device, the environmental device being coupled to an analysis unit which converts the measured signal into a measured value*,” as recited in claim 47. Specifically, the Examiner states that the purpose of the response is to highlight that a local processing requires more local components while a remote processing requires more remote components.

It is respectfully submitted that the Examiner remains misplaced in both positions. Initially, those skilled in the art will understand that a remote processing and a local processing go beyond merely using more components at the respective position. It appears that the Examiner considers this the only difference between a remote processing and a local processing. As previously submitted, Bennett discloses a passive sensor, which may be, for example, in the form of sensor that moved vertically with a fluid level. *See Bennett*, p. 2, ¶ [0019]. When a certain fluid level is reached, the passive switch sends an alarm signal to the receiver 28 indicating the measured value. *Id.* at p. 2, ¶ [0021]. Specifically, Bennett teaches that the receiver 28 senses a received signal from a transmitter module 24 so that the measured value may be displayed on a central station 30. *Id.* at p. 2, ¶ [0023]. No further signal processing is needed except for a modulation of the signal before its transmission to the receiver. The central station 30 merely controls, displays and functions as an alarm for the received signal and is not described as analyzing the signal in any way to convert the received signal into a measured value. *Id.* at p. 2, ¶ [0023]. Based on the above, it is respectfully submitted that the local processing is not obvious in view of the remote processing and vice versa.

Furthermore, those skilled in the art will understand that a passive system and an active system are not necessarily nor obviously interchangeable. As discussed above regarding Bennett, it appears that a central idea behind Bennett is the use of the passive sensor. Michalski also appears to have a central idea with the use of an active sensor. It is respectfully submitted that to simplify that these two technologies are interchangeable is misplaced for substantially similar reasons discussed above regarding remote and local processing. The two technologies may be well known (which is not conceded) but due to the inherent differences between an active system and a passive system, to state that these well known technologies are interchangeable is not reasonable to skilled in the art.

In addition, in an effort to expedite prosecution of the present application, claim 47 has been amended to recite “a processor configured to *only assume* activating the measured signal receiver, the A/D converter, and the transceiver device.” That is, the processor of claim 47 is

restricted to assume these three activations. Support for this amendment may be found in the Specification. *Specification*, ¶ [0012], ¶ [0032]. In contrast, neither Bennett nor Michalski provides for such a restriction on the respective processor. As an example, Bennett teaches that the processor 68 is configured to process the digitized signal into a transmitter signal over communication line 70. *Bennett*, p. 3, ¶ [0031]. That is, the processor 68 performs at least one further type of processing.

Therefore, it is respectfully submitted that neither Bennett nor Michalski, either alone or in combination, discloses or suggests “that the measured signal is digitized and subsequently transmitted without signal processing after the A/D conversion, via the transceiver device, to the environmental device, the environmental device being coupled to an analysis unit which converts the measured signal into a measured value,” nor “a processor configured to only assume activating the measured signal receiver, the A/D converter, and the transceiver device,” as recited in claim 47. Accordingly, it is respectfully submitted that claim 47 is allowable and the Examiner should withdraw the 35 U.S.C. § 103(a) rejection for this claim. Because claims 48, 51, 53-56, 58 and 60-69 depend from and, therefore, include all of the limitations of claim 47, it is respectfully submitted that these claims are also allowable.

Claims 52, 57 and 59 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bennett in view of Michalski and in further view of U.S. Published Appln. No. 2003/0174067 to Soliman (“Soliman”). *1/29/09 Office Action*, p. 8.

Soliman discloses a method and apparatus for wireless remote telemetry using ad-hoc networks. *Soliman*, p. 1, ¶ 10. Soliman describes a remote metering unit 200 that is applicable to electrical utility meter reading, comprising a measurement device 200, a reading interface 204 which transforms light pulses to analog electrical pulses and transmits them to an analog multiplexer, where they pass to an A/D converter to convert them into digital signals. *Id.* at p. 4, ¶ 39; Fig. 2. The resulting signal is passed to a microprocessor 214, which calculates and stores total consumption. *Id.* Microprocessor 214 generates a consumption message to be transmitted

to central controller 116. *Id.* at p. 4, ¶ 40; Fig. 1.

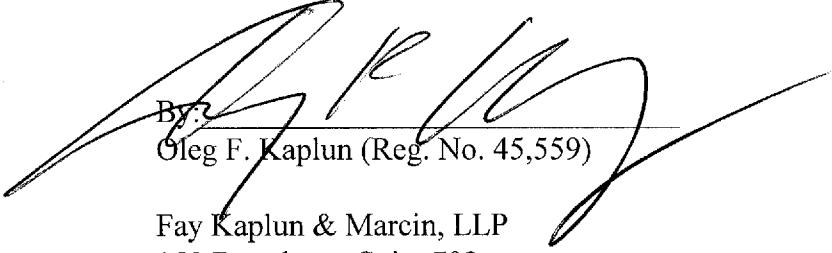
As discussed above, neither Bennett nor Michalski, either alone or in combination, discloses or suggests “that the measured signal is digitized and subsequently transmitted without signal processing after the A/D conversion, via the transceiver device, to the environmental device, the environmental device being coupled to an analysis unit which converts the measured signal into a measured value,” nor “a processor configured to only assume activating the measured signal receiver, the A/D converter, and the transceiver device,” as recited in claim 47. It is respectfully submitted that Soliman also does not disclose or suggest these recitations of claim 47. Because claims 52, 57 and 59 depend from and, therefore, include all of the limitations of claim 47, it is respectfully submitted that these claims are also allowable.

With regard to newly added claims 70-75, because claims 70-75 depend from and, therefore, include all of the limitations of claim 47, it is respectfully submitted that these claims are also allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

By: 
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, New York 10038
Tel: (212) 619-6000
Fax: (212) 619-0276

Dated: April 29, 2009